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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/506,530

12/22/2004

Norikazu Komada

2004-1372a

8691

513 7590 07/23/2008

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

LEE, CYNTHIA K

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

07/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/506,530	Applicant(s) KOMADA ET AL.	
	Examiner CYNTHIA LEE	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 3,5,6,14,15,21,23,24,27,29,33,35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-13,16-20,22,25,26,28,30-32,34 and 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/03/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Priority

Acknowledgement has been made of applicant's claim for priority under 35 USC 119 (a-d). The certified copy has been filed on 9/3/2004.

Information Disclosure Statement

The Information Disclosure Statement (IDS) filed 9/3/2004 has been placed in the application file and the information referred to therein has been considered.

Drawings

The drawings received 9/3/2004 are acceptable for examination purposes.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,7-13, 16-20,22,25,26,28, 30-32, 34,37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Komada (JP 2000-200614).

Komada discloses an electrode of a solid oxide fuel cell wherein the electrode comprises a skeleton constituted of a porous sintered compact having a three dimensional network structure, the porous sintered compact being made of an oxide ion conducting material and/or a mixed oxide ion conducting material;

grains made of an electron conducting material and/or a mixed oxide ion conducting material are adhered onto the surface of said skeleton; and

Art Unit: 1795

said grains are baked inside the voids of said porous sintered compact under the conditions such that the grains are filled inside the voids (Komada's claim 1).

The electrode wherein said porous sintered compact is made of a material which has a composition represented by the following formula $\text{Ln}_{(1-x)}\text{AxGa}_y\text{zB}_y\text{B}_2\text{zO}_3$ (see Komada's claim 2)

Regarding claim 7, The electrode of a solid oxide fuel cell wherein said grains are made of at least one selected from a group of the materials based on LaMnO_3 , LaCoO_3 , SmCoO_3 and a PrCoO_3 , and the electrode is an air electrode (Komada's claim 7).

Regarding claim 8, An electrode/electrolyte laminate for a solid oxide fuel cell, wherein the electrode is integrally formed on one surface of an oxide ion conducting, dense solid electrolyte layer (Komada's claim 8).

Regarding claim 9, An electrode/electrolyte laminate for a solid oxide fuel cell, wherein the electrode is integrally formed on both surfaces of an oxide ion conducting, dense solid electrolyte layer (Komada's claim 9).

Regarding claim 10, An electrode/electrolyte laminate for a solid oxide fuel cell, wherein the electrode is integrally formed on one surface of an oxide ion conducting, dense solid electrolyte layer; and the electrode is integrally formed on the other surface of the oxide ion conducting, dense solid electrolyte layer (Komada's claim 10).

Regarding claim 11, The electrode/electrolyte laminate for a solid oxide fuel cell wherein the skeleton of the electrode and the solid electrolyte layer are made of the same material or the same type of material (Komada's claim 11).

Art Unit: 1795

Regarding claim 12, A solid oxide fuel cell, wherein the fuel cell comprises an air electrode and/or a fuel electrode each consisting of the electrode according to claim 1 (Komada's claim 12).

The fuel cell of Komada is a laminate because the electrode/electrolyte layers have been sintered [0019].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Lee whose telephone number is 571-272-8699. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1795

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cynthia Lee/
Examiner, Art Unit 1795

/PATRICK RYAN/
Supervisory Patent Examiner, Art
Unit 1795